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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/828,313

04/21/2004

Tai-Hua Chen

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11/21/2006

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EXAMINER

LEE, CLOUD K

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/828,313 | CHEN, TAI-HUA | |
| | Examiner | Art Unit | |
| | Cloud K. Lee | 3753 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/19/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The *affidavit* under 37 CFR 1.132 filed 9/19/06 is sufficient to overcome the rejection of claims 1-7 based upon 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 7 recites the limitation “wherein pressure inside the inflated bladder pushes both the upper film and the lower film to urge against an inner surface of the upper sheet for blocking air from leaving the bladder”. The upper film and the lower film cannot urge against an inner surface of the upper sheet because both sides of the upper film and the lower film are under the same pressure.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-7 are vague and indefinite because claim 1 recites the limitation “a valve mechanism mounted in a plurality of bladders of an air packing bag...” and claim 6 recites the limitation “the valve mechanism is extended in a mouth of each bladder”. One of ordinary skill in the art would not be apprised of the metes and bounds of claim 1 in combination with claim 6. Is the valve mechanism mounted in a plurality of bladders as suggested in claim 1 or are these valve mechanisms, one each mounted in each bladder as suggested by claim 6?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 5-6 (as understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Garcia (US Patent No. 6,015,601).

Garcia discloses a valve mechanism for balloon comprising an upper film (20), lower film (21), a plurality of spaced heat-proof members (25) sandwiched between the upper film and the lower file (see figure 7) wherein the spacing and the length of the heat-proof members

correspond to the quantity of the bladders (80) (also see figure 7) wherein the valve mechanism is extended in a mouth of the bladder (see figure 1).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 and 5-6 (as understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaszai (US Patent No. 5,826,723) in view of Garcia (US Patent No. 6,015,601).

Jaszai discloses a valve mechanism for balloon comprising an upper film, lower film (3 is both upper and lower films), wherein the valve mechanism is extended in a mouth of the bladder (see figure 1 and 2), wherein the upper film and the lower film have a thickness from 30um to 35um (see Col 4 lines 31-33), wherein the valve mechanism is disposed between an upper sheet and a lower sheet of the air packing bag (see figure 2). Jaszai fails to disclose a plurality of spaced heat-proof members sandwiched between the upper film and the lower file wherein the spacing and the length of the heat-proof members correspond to the quantity of the bladders.

Garcia discloses a plurality of spaced heat-proof members (25) sandwiched between the upper film and the lower file wherein the spacing and the length of the heat-proof members

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correspond to the quantity of the bladders (see figure 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a plurality of spaced heat-proof members in order to create a central passage way of the valve between the two heat-sealed side edges as taught by Garcia (See Col 5 lines 41-44, Col 8 lines 54-56, Col 10 lines 1-6).

9. Claim 4 (as understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia in view of Cope (US Patent No. 4,877,334).

Garcia fails to disclose the upper film and the lower film are formed of PE.

Cope discloses the sheets which form the package are formed of polyethylene or polyester (see Col 3 lines 58-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the upper film and the lower film are formed of PE in order to provide a better gas barrier as taught by Cope (See Col 3 lines 58-65).

10. Claim 7 (as understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (US Patent No. 6,015,601) in view of McGrath (US Patent No. 4,983,138).

Garcia fails to disclose the pressure inside the inflated bladder pushes both the upper film and the lower film to urge against an inner surface of the upper sheet for blocking air from leaving the bladder.

McGrath discloses the pressure inside the inflated bladder pushes film to urge against an inner surface of the upper sheet for blocking air from leaving the bladder (see figure 10). It would have been obvious to one having ordinary skill in the art at the time the invention was

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made to have provided a film to urge against an inner surface of the upper sheet in order to block the air from leaving the bladder (see Col 5 lines 7-14).

Conclusion

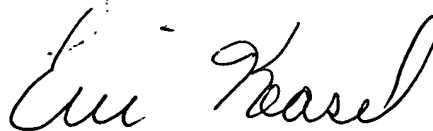
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. De Luca et al (US Patent No. 6,761,960) discloses an inflatable cushion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571)272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

A handwritten signature in black ink, appearing to read "Eric Keasel", is positioned above the printed name and title.

ERIC KEASEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700